

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13863 of 2017

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1. Rajendra Prasad Singh, Son of late Hridaya Narayan Singh.
2. Pinkesh Kumar Singh.
3. Rakesh Kumar Singh. Both sons of Rajendra Prasad Singh.
4. Juhi Kumari, Daughter of Siyaram Singh, All are resident of Village-
Bharmarpur, P.S. Thana Bihpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Animal Husbandry and Fisheries,
Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Bhagalpur.
4. The District Fisheries Officer-cum-Chief Executive Officer, Bhagalpur.
5. The Deputy Collector Land Reforms, Naugachhiya.
6. The Circle Officer, Thana Bihpur, Distt.- Bhagalpur.
7. The Circle Officer, Narayanpur, Distt. Bhagalpur.
8. The Block Fisheries Cooperative Society, Narayanpur, P.S. Thana
Bihpur, District- Bhagalpur.
9. The Block Fisheries Cooperative Society, Narayanpur, Thana Bihpur,
District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Advocate
For the State : Mr. Md. Khurshid Alam, AAG12
For the Respondent No. 8 : Mrs. Mahasweta Chatterjee

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 29-06-2018 Heard Mr. Sanjay Singh, learned counsel appearing

on behalf of the petitioners, learned counsel for the State and

learned counsel for respondent no. 8.

That petitioners have filed this writ petition for
setting aside the order dated 14.07.2017 passed in Misc. no.
48/2014-15 by which the District Magistrate-cum-Collector,
Bhagalpur dismissed the petition of the petitioners presented



before him in the light of order passed by this Court on 05.09.2014 in C.W.J.C. No. 14062/2014.

The petitioners earlier filed C.W.J.C. No. 14062/2014 claiming that water shade standing on Khesra No. 538A, Khata No. 247, area 296 decimal of Jamabandi No. 374, Tauzi No. 384 is raiyati property of the petitioner but the same has wrongly been treated as Sairat and on the basis of such the District Fisheries Officer, Bhagalpur used to settle the water shade with the individuals as well as local Fisheries cooperative Societies.

The learned counsel for the petitioners submits that this Court vide order dated 05.09.2014 directed the District Magistrate to pass a reasoned order on the representation of the petitioner. The petitioner filed representation before the Collector not to treat that water Shade as Sairat. The land on which water is logging is raiyati land of the petitioners but the Collector on a contradictory report refused to hold that the land is not a Sairat and dismissed the petition.

I am of the view that this Court can not decide that the water shade standing on Khesra No. 538A, Khata No. 247, area 296 decimal of Jamabandi No. 374, Tauzi No. 384 is raiyati land of the petitioner and there was no Sairat. The appropriate remedy is before the Civil Court which can decide the nature of



land of the petitioner. Accordingly, I dispose of this writ petition with liberty to the petitioner to file a suit before the Civil Court for the reliefs sought for in this writ petition.

This writ petition is accordingly disposed of.

It goes without saying that this Court has not expressed any opinion on the merit of the case.

(Prabhat Kumar Jha, J)

BKS/Rajan

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